

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 480

IN THE MATTER OF:

Served May 14, 1965

Complaint of Montgomery       )  
Charter Service, Inc., vs.    )  
Airport Transport, Inc.       )

Formal Complaint No. 13

Docket No. 90

On April 5, 1965, Montgomery Charter Service, Inc., filed a formal complaint against Airport Transport, Inc., alleging, among other things, that Airport Transport, Inc., is performing and engaging in operations not authorized in its Certificate of Public Convenience and Necessity No. 7, and by doing so has knowingly, intentionally, and deliberately flouted certain provisions of the Compact, all of which is more fully set forth in the complaint. Pursuant to Commission Rule 5, a copy of the formal complaint was served by the Commission.

The respondent, Airport Transport, Inc., seasonably filed a motion to dismiss, and its answer to the complaint. The motion to dismiss was on the ground that respondent's existing Certificate authorized it to provide the service complained of. Respondent contends that the primary issue involved is whether it is providing a scheduled service. It stated that this is "a combined factual and legal issue which unquestionably requires an oral hearing for an appropriate determination based on the evidence presented." Respondent went on to argue that

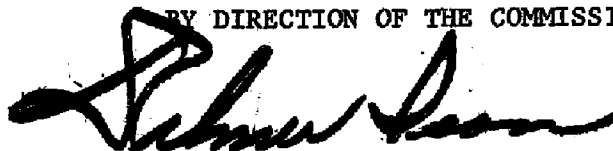
"Assuming, for purposes of argument only that Respondent is providing a scheduled service, the second issue is whether Respondent's existing Certificate authorizes such service. The latter issue is a purely legal issue involving an interpretation of Respondent's existing certificated authority and no oral hearing is required to rule on that issue. Accordingly, it is with respect to the latter issue that Respondent's Motion To Dismiss the instant Complaint is directed."

It appears to the Commission that the best course of action for it to follow in resolving this dispute is to provide for the presentation of the specific details of the transportation complained of, so that the Commission can determine whether that transportation is authorized. Accordingly, the motion to dismiss will be denied, without prejudice to the respondent, for presentment again at the appropriate time.

THEREFORE, IT IS ORDERED:

1. That the motion of Airport Transport, Inc., to dismiss the complaint be, and it is hereby, denied without prejudice.
2. That Airport Transport, Inc., be and it is hereby, made a respondent to this proceeding.
3. That this matter be, and it is hereby, set for hearing on Friday, June 11, 1965, at 1:30 P. M., in the office of the Commission, 1815 North Fort Myer Drive, Arlington, Virginia.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in dark ink, appearing to read "Delmer Ison", written over a horizontal line.

DELMER ISON  
Executive Director